

REMARKS

Applicants acknowledge the indication of allowable subject matter, i.e., that claim 21 is allowed.

Claims 1, 6, 7, 12, 13, 15, and 19-21 are pending in the application. Independent claims 1, 6, 7, 12, 13, 19, and 20 have been amended to incorporate the allowable subject matter of independent claim 21. Claims 3, 9, 14, 16 have been canceled without prejudice. The amendments are fully supported by the application as originally filed.

On page 15, last three lines to page 16, line 4 of the Office Action of 12/16/2009, the Examiner indicated the following reasons for allowance: "1) the receipt control means changing the ranking by way of a request to the relay device from the ranking indicated by the serial numbers (*see Fig. 4*), and 2) a storage control means controlling storing to storage means so that after storing the received data, the storage means is left with empty space needed to store the response data higher than the other data (*see Fig. 9*)."

As amended, independent claims 1, 6, 7, 12, 13, 19, and 20 incorporate the above subject matter deemed allowable in the Office Action of 12/16/2009.

For example, independent claim 1 has been amended as follows:

A communications device transmitting/receiving data over a network and making a request for a response to a data transmission from a receiving-end machine, said device comprising:

data identifying means for determining whether data to be received over the network is response data to the response request by comparing a size of the data to be received to a predetermined data size; and

receipt control means for controlling receipt so as to preferentially receive data identified as the response data by the data identifying means over other data,

the data being transmitted/received through a relay device that assigns a serial number to each set of data, and

the receipt control means receiving the data in accordance with a ranking indicated by the serial numbers, and when the response data is to be received from the relay device, changes the ranking by way of a request to the relay device from the ranking indicated by the serial numbers,

the communications device further comprising:

storage means for storing received data; and

storage control means for controlling storing to the storage means so that after storing the received data, the storage means is left with empty space needed to store the response data, the response data being ranked higher than other data.

Claims 13, 14, and 19 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent 6,351,764 to Voticky et al. ("Voticky"). Claims 1, 6, 7, 12, and 20 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 5,764,899 to Eggleston et al. ("Eggleston"). The remaining claims were rejected based on combinations including the Voticky and/or Eggleston references. These rejections are respectfully traversed.

The Voticky and/or Eggleston references, whether taken alone or in combination, do not teach or suggest at least data received through a relay device that assigns a serial number to each set of data, the data being received in accordance with a ranking indicated by the serial numbers, and when response data is to be received from the relay device, changes the ranking by way of a request to the relay device from the ranking indicated by the serial numbers, a communications device further comprising: "storage means for storing received data; and storage control means for controlling storing to the storage means so that after storing the received data, the storage means is left with empty space needed to store the response data, the response data being ranked higher than other data," as recited in independent claim 1 (see also independent claims 6, 7, 12, 13, 19, and 20).

For at least the reasons discussed above, the Voticky and/or Eggleston references, whether taken alone or in combination, do not anticipate or otherwise render obvious the Applicants' claimed invention. Therefore, independent claims 1, 6, 7, 12, 13, 19, and 20 (and dependent claim 15) are patentable over the cited references.

It is believed that the claims are in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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